

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

DONALD COLUMBUS REED	§	
v.	§	CIVIL ACTION NO. 5:07cv88
NANCY TALLEY, ET AL.	§	

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

The Plaintiff Donald Reed, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the matter be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges. As Defendants in his initial complaint, Reed names Judge Nancy Talley, Texarkana police officer Charles Kriedler, and a private citizen named Lloyd Green; in an amended complaint, Reed does not name Green as a defendant.

In his complaint, Reed says that Judge Talley acted in the complete absence of jurisdiction by awarding a car to Green that Reed had purchased. He says in his amended complaint that he was convicted of theft of property from Green, but that the car was not part of the property which was allegedly stolen and was not part of the theft prosecution. A Report was issued on October 16, 2007, recommending that Green be dismissed from the case. A copy of this Report was sent to Reed at his last known address, return receipt requested, but no objections have been received; accordingly, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the

district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge and has determined that this Report is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge dated October 16, 2007, is ADOPTED as the opinion of the District Court. It is further

ORDERED that the Plaintiff's claims against the Defendant Lloyd Green are hereby DISMISSED with prejudice and that Green is hereby dismissed from this lawsuit as a Defendant. The dismissal of this claim and this party shall have no effect upon Reed's claims against Judge Talley or Officer Kriedler.

SIGNED this 18th day of January, 2008.

A handwritten signature in black ink, appearing to read "David Folsom", written over a horizontal line.

DAVID FOLSOM
UNITED STATES DISTRICT JUDGE